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J & J PRODUCTIONS, INC.

Plaintiff,

- against -

MARIA RESTAURANT, et al.

Defendants.  
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07 Civ. 5931(DAB)  
ORDER TO SHOW CAUSE

DEBORAH A. BATTS, United States District Judge.

The Court's records indicate that the Complaint in this action was filed on June 21, 2007 and Defendants were served on July 12, 2007. To date, neither Defendant has filed an Answer nor responded to Plaintiff's Complaint in any other way, and therefore are technically in default.

Accordingly, Plaintiff is hereby ORDERED TO SHOW CAUSE why its cause of action against Defendants should not be dismissed for failure to prosecute. See Lyell Theatre Corp. v. Loews Corp., 682 F.2d 37, 42 (2d Cir. 1982) (holding that a district court's authority to dismiss an action for plaintiff's failure to prosecute "cannot seriously be doubted"). If Plaintiff fails by February 15, 2008 to either (1) show cause, or (2) move for default judgment against Defendants, Plaintiff's cause of action against Defendants shall be dismissed for failure to prosecute. Plaintiff's showing of good cause, if any, shall be made by affidavit. SO ORDERED.

Dated: New York, New York  
January 15, 2008



Deborah A. Batts  
United States District Judge